

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

| | | |
|--------------------------|---|-----------------------------------|
| GAVIN GRIMM, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Case No. 4:15-cv-54-AWA-DEM |
| |) | |
| GLOUCESTER COUNTY SCHOOL |) | |
| BOARD, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

**PLAINTIFF'S MOTION
FOR ATTORNEYS' FEES AND COSTS**

Pursuant to Federal Rule of Civil Procedure 54(d), and in accordance with this Court's order on October 9, 2020, ECF 248, Plaintiff Gavin Grimm ("Gavin") respectfully moves this Court for an award of attorneys' fees and costs reasonably incurred in the above-captioned matter.

The grounds for this motion are that:

(1) This Court granted Gavin's motion for summary judgment on August 9, 2019, and directed that "[t]he Board shall pay Mr. Grimm's reasonable costs and attorneys' fees pursuant to 42 U.S.C. § 1988," ECF No. 229;

(2) Gavin's award of nominal damages for his claims related to the restrooms was not a *de minimis* or purely technical victory under the factors set forth in *Mercer v. Duke University*, 401 F.3d 199, 204 (4th Cir. 2005);

(3) Gavin's requested fee award is based on attorneys' hours and market rates that are reasonable under all the relevant factors for calculating the lodestar amount, including the factors set forth in *Johnson v. Georgia Highway Express Inc.*, 488 F.2d 714, 717–19 (5th Cir. 1974);

(4) There are no unrelated, unsuccessful claims to subtract from the lodestar amount, as Gavin prevailed on all of his claims and any “unsuccessful” stage was merely “a temporary setback on the way to a complete victory for plaintiff.” *Cabrales v. Co. of Los Angeles*, 935 F.2d 1050, 1053 (9th Cir. 1991);

(5) Because Gavin achieved excellent results and complete vindication on the merits of his claims, he should recover the full lodestar amount without further reductions. *See Hensley v. Eckerhart*, 461 U.S. 424, 435 (1983); and

(6) Gavin’s requested litigation expenses and costs are reasonable.

Plaintiff submits the accompanying Memorandum of Law, with attached appendix, declarations and exhibits, in support of this motion, and requests that Defendant Gloucester County School Board be ordered to pay attorneys’ fees to Plaintiff in the amount of \$1,284,735.75 and costs in the amount of \$27,467.85.

Respectfully submitted,

/s/ Eden B. Heilman

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* Admitted *pro hac vice*

Dated: July 26, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July 2021, a true and correct copy of the forgoing Motion for Attorneys' Fees and Costs and all accompanying documents were filed electronically with the Clerk of the Court for the U.S. District Court for the Eastern District of Virginia by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Eden Heilman

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